

# **EXHIBIT 10**

TRINITY LUTHERAN CHURCH OF  
COLUMBIA, INC.

Plaintiff,

V.

Carol S. Comer, in her official capacity as Director of the Missouri Department of Natural Resources Solid Waste Management Program,

Defendant.

Case No. 2:13-cv-4022-NKL

**DECLARATION OF RAYMOND W. KASELONIS, JR. IN SUPPORT OF  
PLAINTIFF’S MOTION FOR ATTORNEY’S FEES AND COSTS**

I, RAYMOND W. KASELONIS, JR., under penalty of perjury, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am filing this declaration to demonstrate the reasonableness of both my hourly rate and the total amount of compensable time I incurred in this case.

## Background

2. My involvement in this case consisted of assisting in the preparation of the Plaintiff's Motion for Attorney's Fees and Costs to the United States District Court for the Western District of Missouri, Central Division.

3. I earned a Juris Doctor degree from Regent University School of Law

in 2001, graduating *cum laude* and finishing in the top 10% of my class. I earned a Bachelor of Arts degree from the University of Texas at Austin in 1997.

4. I have been a member of the Maryland bar since June of 2002. I have been a member of the Oregon bar since May of 2011. I was recently admitted to the Arizona bar in April of 2018. I have also been a member of the bar of the Supreme Court of the United States since July of 2008.

5. For the bars and courts in which I am admitted, I am a member in good standing and there are no grievance proceedings or any other disciplinary actions pending against me. In addition, I have never been held in contempt of court, censured, disbarred, or suspended by any court.

6. Following law school, I worked in the Office of the Law Revision Counsel of the United States House of Representatives until October of 2014. In that role I served as the final arbiter of all federal legislative codification decisions to the United States Code.

7. Upon leaving the Office of the Law Revision Counsel, I pastored a church in Oregon until January of 2017 when I sought to combine my legal and pastoral backgrounds by representing churches throughout Oregon, specifically in the context of helping to protect their constitutional rights to free speech and the free exercise of religion.

8. I joined Alliance Defending Freedom, a non-profit public interest law

firm, as Senior Counsel for the Church Alliance in September of 2017, to continue that work on a national level.

9. In this capacity I am primarily engaged in counseling churches on best practices to protect their constitutional rights, assisting in various aspects of litigating cases on behalf of churches, primarily in federal court, and regularly speaking to groups of pastors and ministry leaders on legal issues facing ministries and best practices to protect against them.

#### **Preclusion of Other Employment**

10. By working on Trinity Lutheran Church's case, I was precluded from working on other matters or taking on other representation I might otherwise have been able to take on.

#### **Reasonableness of Rate**

11. As a non-profit organization, Alliance Defending Freedom represents its clients on a *pro bono* basis.

12. The *pro bono* representation of our clients and the national scope of our practice mean that we do not have internal billing rates. Alliance Defending Freedom's attorneys' rates are determined by billing practices in the legal market where a case is pending.

13. I have investigated and obtained information to familiarize myself with the hourly billing rates of attorneys with skill and experience in First Amendment

law who practice in the Kansas City, Missouri area, where this case originated as well as before the United States Supreme Court.

14. My billing rate of \$450.00 per hour for my time in this case is consistent with the prevailing market rate in the Kansas City, Missouri area. This rate is reasonable in light of my experience. The concurrently-filed declaration of Charles Hatfield attests to the local billing rates for similar matters.

15. Few attorneys practice First Amendment constitutional law, fewer practice constitutional law on behalf of plaintiffs against governmental entities, and even fewer practice exclusively in this area of law. The intent of Congress when it authorized attorneys' fees and costs under 42 U.S.C. § 1988 was to permit plaintiffs to bring constitutional claims against governmental entities and to ensure the cost of litigation would not serve as a barrier to bringing such actions.

#### **Reasonableness of Time**

16. The concurrently filed itemized statement sets forth my time records based upon my contemporaneous documentation of time devoted to this matter. I exercised billing judgment by reducing duplicative or otherwise unreasonable time expenditures. These reductions are documented in the itemized statement.

17. The total time I incurred on this case is 45 hours. After I reviewed my time and exercised critical billing judgment, this amount was reduced to 37.5 hours. At a billing rate of \$450.00 per hour, this results in a current amount of \$16,875.00

that may properly be claimed against Defendants.

**DECLARATION UNDER PENALTY OF PERJURY**

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 12th day of July, 2018, at Scottsdale, Arizona.

s/ Raymond Kaselonis

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